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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,781	07/22/2003	Qiuyi Ye	BUR900090US2	6787
30400	7590	10/18/2004	EXAMINER	
HESLIN ROTHENBERG FARLEY & MESITI P.C.			LINDSAY JR, WALTER LEE	
5 COLUMBIA CIRCLE			ART UNIT	
ALBANY, NY 12203			PAPER NUMBER	
			2812	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/624,781

Applicant(s)

YE ET AL.

Examiner

Walter L. Lindsay, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 6-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/22/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Office Action is in response to the Election filed on 8/26/2004.

Currently claims 1-14 are pending. Claims 1-5 are withdrawn.

#### ***Election/Restrictions***

1. Claims 1-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected device, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 8/26/2004.
2. Applicant's election with traverse of claims 6-14 in the reply filed on 8/26/2004 is acknowledged. The traversal is on the ground(s) that the inventions would have a similar field of search. This is not found persuasive because, the search for the semiconductor structure is contained in class 257 and consists of finding a FET, with a cap free gate, having insulating sidewall spacer on said gate having a height less than or equal to a height of the cap-free gate, wherein the search for the method is contained in class 438 and consists of no height parameters that the spacer is forced to meet.

The requirement is still deemed proper and is therefore made FINAL.

#### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the terms "film", "hole", and "opening", as found in claims 6-14, are not clearly distinguished in the written description of the Best Mode for Carrying

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Out Invention section of the Specification. For examination purposes only, at this time, the Examiner defines these terms as follows:

"film"- polysilicon film (108) (fig. 2 of Applicant's drawings);

"hole"- the region defined by the top of the polysilicon film (108) to the substrate(102), and resulting from the gate patterning step (fig. 2 of Applicant's drawings);

"opening"- the region defined above the top of polysilicon film (108) to the top of the dielectric layer (122) and above (fig. 5 of Applicant's drawings).

4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 10, 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 10, 11 and 13 recite the limitation "said conductive material" in line 1 of each claim respectively. There is insufficient antecedent basis for this limitation in the claims. Claim 6 contains no mention of a "conductive material". It is suggested that claims 10, 11 and 13 should depend from claim 9.

For examining purposes only, the limitation "said conductive material" will be treated as "said material" in claims 10, 11, and 13 since they depend from claim 6 at this time.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 6-10, and 12-14 rejected under 35 U.S.C. 102(e) as being anticipated by Kinoshita et al. (U.S. Patent No. 6,271,087 filed on 10/10/2000).

Kinoshita shows the method as claimed, in Fig. 3A-3E (transistor, 210 c) and corresponding text as: providing a substrate (102) (fig. 3A) (col. 6, lines 38-43); forming a film on said substrate (gate film, (224)), said film having a top surface (top of (224)) (Fig. 3c) (col. 7, lines 21-25); forming a hole (gate patterning step. Hole extends from top of gate through film (224) to the substrate) through said film (Fig. 3A) (col. 6, lines 38-43); providing an insulating layer (232) having an opening (235) aligned to the hole and larger than the hole so a portion of said top surface of said film is exposed (Fig. 3C) (col. 7, lines 21-25); providing a material ((239), portion from substrate to top of the (224)) in said hole (Fig. 3D) (col. 7, lines 26-40); providing a spacer ((239), portion from top of (224) to the top of and above (232)) along a sidewall of said opening to shrink said opening and cover exposed portions of said top surface of said film, wherein said spacer extends to said material within the hole(Fig. 3E) (col. 7, lines 41-45) (claim 6).  
[To further clarify the examiner's position regarding the material provided in the "hole"

and the spacer provided in the opening. The material deposited into the "hole" correlates to the region of material (239) that is formed between the substrate and the top of layer (224), and the spacer is the region of material (239) from the top of (224) to the top of (232) and above. This allows steps E and F, the ability to be performed simultaneously.] Kinoshita teaches that the film (224) is conductive, and said film is borderless to said material (239) in said hole (Fig. 3D) (col. 7, lines 26-40) (claim 7). Kinoshita teaches the step of providing an insulating spacer (230) along a sidewall of said hole to insulate said sidewall of said conductive film, thereby allowing said borderless contact (Fig. 3E) (col. 7, lines 41-45) (claim 8). Kinoshita teaches that the material in said hole is conductive (Fig. 3D) (col. 7, lines 26-40) (claim 9). Kinoshita teaches that the material comprises a metal or conductive polysilicon (Fig. 3D) (col. 7, lines 30-35) (claim 10). Kinoshita teaches that the film comprises a substantially cap-free gate conductor of a field effect transistor (210c) (Fig. 3E) (col. 7, lines 41-45) (claim 12). Kinoshita teaches that the material is a conductive contact to a diffusion (202c) (Fig. 3E) (col. 7, lines 41-45) (claim 13). Kinoshita teaches that providing an insulating layer comprises forming an opening in a hard mask (Fig. 3C) (col. 7, lines 5-10) (claim 14).

10. Claims 6 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Nesbit et al. (U.S. Patent No. 6,686,668 filed 1/17/2001).

Nesbit shows the method as claimed, in Fig. 5-9 and corresponding text as: providing a substrate (5) (Fig. 2) (col. 4, lines 32-46); forming a film on said substrate (20, gate film), said film having a top surface (top of 20) (Fig. 2) (col. 4, lines 32-46);

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forming a hole through said film (gate patterning step. Hole extends through top of gate film 20 to the substrate) (Fig. 2) (col. 4, lines 32-46); providing an insulating layer (35 and 40) having an opening aligned to the hole and larger than the hole so a portion of said top surface of said film is exposed (Fig. 6) (col. 5, lines 1-6); providing a material (45) in said hole (Figs. 7-8) (col. 5, lines 7-13); providing a spacer (50, film overlying the material in hole) along a sidewall of said opening to shrink said opening and cover exposed portions of said top surface of said film, wherein said spacer extends to said material within the hole (Fig. 9) (col. 5, lines 14-22) (claim 6). Nesbit teaches that the material in said hole is conductive (Figs. 7-8) (col. 5, lines 7-13) (claim 9). Nesbit teaches that the material comprises a metal or conductive polysilicon (Figs. 7-8) (col. 5, lines 7-13). Nesbit teaches that the material is recessed below said top surface of said film (Fig. 8) (col. 5, lines 12-13) (claim 11).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter L. Lindsay, Jr. whose telephone number is (571) 272-1674. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John F Niebling can be reached on (571) 272-1679. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Walter L. Lindsay, Jr.  
Examiner  
Art Unit 2812

WLL

  
September 29, 2004



<b>Notice of References Cited</b>	Application/Control No. 10/624,781	Applicant(s)/Patent Under Reexamination YE ET AL.	
	Examiner Walter L. Lindsay, Jr.	Art Unit 2812	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,271,087	08-2001	Kinoshita et al.	438/258
	B	US-6,686,668	02-2004	Nesbit et al.	438/253
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

**INFORMATION DISCLOSURE CITATION**  
(USE SEVERAL SHEETS IF NECESSARY)

ATTY DOCKET NO.

BUR92000090US2

SERIAL NO.

101624781

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**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
WCL	AA	6,406,987 B1	06/18/2002	Huang	438	595	
WCL	AB	6,265,271 B1	07/24/2001	Thei et al.	438	296	
WCL	AC	6,235,593 B1	05/22/2001	Huang	438	279	
WCL	AD	6,228,777 B1	05/08/2001	Arafa et al.	438	740	
WCL	AE	6,211,021 B1	04/03/2001	Wang et al.	438	296	
WCL	AF	6,165,901	12/26/2000	Hsu	438	652	
WCL	AG	6,046,103	04/04/2000	Thei et al.	438	624	
WCL	AH	6,022,776	02/08/2000	Lien et al.	438	253	
WCL	AI	5,990,507	11/23/1999	Mochizuki et al.	257	295	
WCL	AJ	5,977,583	11/02/1999	Hosotani et al.	257	311	
WCL	AK	5,973,348	10/26/1999	Ishibashi	257	306	
WCL	AL	5,960,318	09/28/1999	Peschke et al.	438	637	
WCL	AM	5,939,746	08/17/1999	Koyama et al.	257	306	
WCL	AN	5,932,906	08/03/1999	Shimizu	257	306	
WCL	AO	5,929,524	07/27/1999	Drynan et al.	257	758	
WCL	AP	5,874,756	02/23/1999	Ema et al.	257	296	
WCL	AQ	5,808,365	09/15/1998	Mori	257	775	
WCL	AR	5,759,867	06/02/1998	Armacost et al.	437	195	
WCL	AS	5,731,242	03/24/1998	Parat et al.	438	586	
WCL	AT	5,723,381	03/03/1998	Grewal et al.	438	633	
WCL	AU	5,654,236	08/05/1997	Kasai	438	639	
WCL	AV	5,610,101	03/11/1997	Koyama	437	195	
WCL	AW	5,591,301	01/07/1997	Grewal	156	643.1	

EXAMINER

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EXAMINER: Initial here if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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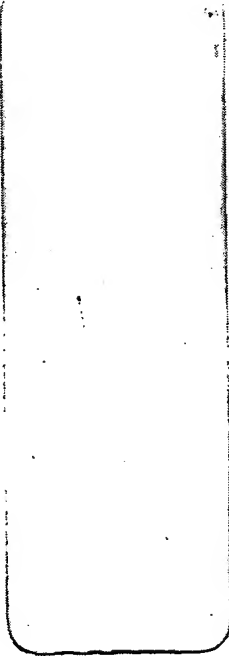
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